



Docket No.: 392.1714

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mitsushi YOSHIOKA

Group Art Unit: 1722

Serial No. 09/839,135

Examiner: E. Luk

Filed: April 23, 2001

For: INJECTION MECHANISM OF INJECTION MOLDING MACHINE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Statements of Reasons for Allowance were forwarded in the Notice of Allowability and the Office Actions of March 10, 2004 and March 12, 2003.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner states that the fixed section is “detachably attached to the outer frame or the fixed section is a lid.” However, independent claim 2 does not recite that the fixed section is a lid. Furthermore, the Reasons indicate that “the prior art of record fails to teach a molding machine....” However, the preambles of claims 2 and 3 recite “An injection mechanism.”

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8-5-04

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